IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 459 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MOHAMMED ISMAIL RASULBHAI

Versus

DY. SECRETARY

Appearance:

MR UI VYAS for Petitioner

NOTICE SERVED BY DS for Respondent No. 1

MR MUKESH R SHAH for Respondent No. 5

CORAM : MR.JUSTICE C.K.THAKKAR

Date of decision: 30/03/2000

ORAL JUDGEMENT

This petition is filed by the petitioner for quashing and setting aside a communication, dated 19th January, 1999 ,

Annexure `B' and for an appropriate direction to the respondents to extend the period of visitor's Visa of the petitioner for a period of two years.

The case of the petitioner was that he is a national and citizen of Pakistan. He came to India on visitor's Visa for a period of one month. After coming to India,he made an application to the authorities to extend the period of visitor's Visa on medical ground inter alia stating that he had reached the age of 75 years and there was none to look after him in Karachi, Pakistan as he is a bachelor and his cousin who is staying in Dholka near Ahmedabad has shown his readiness and willingness to take care of the petitioner. Since visitor's Visa period was over, police authorities had asked him to leave India as his application for extension of visitor's Visa came was rejected by the Central Government. Against the said action, this petition is filed.

I have heard Mr. Mehta for the petitioner. He submitted that it is true that the petitioner came to India on visitor's Visa and that period is over. He, however, submitted that the petitioner is very old. He is also not keeping good health and he intends to breathe last in this country. Another factor which is very relevant and may not be lost sight of is that the petitioner is a bachelor and there is none to look after him at Karachi,in Pakistan. On the other hand, the petitioner's cousin who is staying at Dholka has shown readiness and willingness to keep the petitioner with him. He, therefore, submitted that the petitioner may make an application and this Court may make suitable observations so that the Central Government may consider the case of the petitioner sympathetically.

In the facts and circumstances,I am of the view that the prayer made in the petition cannot be granted by this Court. But in the facts and circumstances of the case, it is observed that if an application is made by the petitioner to the authorities for extension of visitor's Visa in India, the same may be considered sympathetically in the light of the averments made in the petitioner which are not controverted that he is a bachelor, that he is of old and infirm, that there is nobody to look after him in Karachi, Pakistan and that his cousin who is residing at Dholka has shown his readiness and willingness to look after him and to keep him. With the above observations, petition deserves to be dismissed and is accordingly dismissed. Notice discharged. No order as to costs.

(C. K. Thakker, J.)

parekh